UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:14-cv-00009-MOC

PAUL OSUJI,)	
)	
Petitioner,)	
Vs.)	ORDER
UNITED STATES OF AMERICA,)	
Respondent.)	

THIS MATTER is before the court on Petitioner's *pro se* Motion (#15) requesting a determination of a certificate of appealability. This court entered a Memorandum of Decision and Order (#13) denying Petitioner's § 2255 petition on September 30, 2014. The Court inadvertently failed to issue a statement regarding a certificate of appealability in that Order, and the Court does so now.

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this Court declines to issue a certificate of appealability as Petitioner has not made a debatable claim of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller–El v. Cockrell, 537 U.S. 322, 336–38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484–85 (2000) (in order to satisfy § 2253(c) when court denies relief on procedural grounds, a petitioner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right).

ORDER

IT IS, THEREFORE, ORDERED that Petitioner's Motion (#15) is GRANTED insofar as the court has made a determination that it will not issue a certificate of appealability to Petitioner.

Signed: January 16, 2015

Max O. Cogburn Jr. United States District Judge